

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 :
 SCOTT LOMBARDO, :
 Plaintiff, :
 :
 -v- :
 :
 HOWARD HOLANCHOCK, Dr. CHANDRASEKHARA, :
 FRANK BRUSINSKI, Dr. SHEYAS BAXI, Dr. :
 SADORRA, LYNBURGH BURTON, ZELMA :
 ARMSTRONG, JOHN DOE, :
 Defendants. :
 :
 -----X

USDC SDNY
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DENISE COTE, District Judge:

Plaintiff Lombardo has brought this pro se action seeking redress for the defendants' alleged violation of his rights. Plaintiff has submitted an application for appointment of counsel.

In determining whether to grant an application for counsel, the Court must consider

the merits of plaintiff's case, the plaintiff's ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff's ability to gather the facts and deal with the issues if unassisted by counsel.

Cooper v. A. Sargent Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989). As a threshold matter, in order to qualify for appointment of counsel plaintiff must demonstrate that his claim has substance or a likelihood of success. See Hodge v. Police Officers, 802 F.2d 58, 60-61 (2d Cir. 1986). In addition, in

reviewing a request for appointment of counsel, the Court must be cognizant of the fact that volunteer attorney time is a precious commodity, and thus, should not grant appointment of counsel indiscriminately. Cooper, 877 F.2d at 172.

A more fully developed record will be necessary before I can determine whether plaintiff's chances of success warrant the appointment of counsel. Therefore, plaintiff's application is denied without prejudice to its renewal at such time as the existence of a potentially meritorious claim may be demonstrated.

SO ORDERED:

Dated: New York, New York
October 29, 2007

Denise Cote
DENISE COTE
United States District Judge

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